IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINETEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

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WRIT PETITION NO : 1094 of 1997

Between:

1. Y. Rehana Begum D/o Y. Rasul Saheb
   aged 27 years,R/o Regallau village, & Post,

Piler Mandal, Chittoor district.
2. K. Chinnabba S/o K. Veerappa Naidu
   aged 47 years, Hindu, R/o Regallu & Post,

Kadamvaripalli village, Piler Mandal,

Chittoor district. **..... PETITIONERS**

AND

1. The District Collector, Chittoor,
   Chittoor district.
2. The Revenue Divisional Officer/

the Land Acquisition Officer,
Madanapalli, Chittoor district. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ of Mandamus or any other appropriate Writ, order or direction declaring the action of the Respondents in initiating Land Acquisition Proceedings pertaining to the lands of the petitioners of an Extent of Ac.1-29 cents in Sy.No.516/1 and Ac.0.45 cents in Sy.No. 723/1 respectively of Regallu Village, Piler Mandal, Chittoor district as evident from the Section 4(1) Notification published on 16-12-1996 in "Vaartha" Daily news paper as illegal and consequentially direct the Respondents to drop the land Acquisition Proceedings in respect of the above lands of the petitioners.

Counsel for the Petitioner: MR.M.CHANDRASEKHAR REDDY

Counsel for the Respondents: GP FOR SOCIAL WELFARE

The Court at the admission stage made the following :

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ORDER:

Heard learned counsel for the petitioners and also learned Government Pleader for Land Acquisition.

Petitioners filed the present writ petition questioning the land acquisition notification issued under Section 4(1) of the Land Acquisition Act, 1894 (for short 'the Act'), proposing to acquire the land to an extent of Ac.1-29 cents in S.No.516/1, Ac.0-15 cents in S.No.659/5, and Ac.0-43 cents in S.No.714/8, in all measuring Ac.1-87 cents, belonging to the petitioners. Petitioners, claiming to be small farmers, filed the present writ petition questioning the impugned notification. Petitioners' grievance is that the enquiry as contemplated under Section 5-A of the Act has been dispensed with, which is illegal, and the notification also has not been published in the two local newspapers as stated in the provisions of the Land Acquisition Act.

Respondents have not filed any counter in this matter till now and the fact that the notification was not published in the two local newspapers as contemplated under the Land Acquisition Act is also not denied. But the publication of notification in two local newspapers, out of which one shall be the regional language, is a must.

Since the Government is not serious to contest the matter, and due to lapse of time directing 5-A enquiry which was dispensed with by the impugned notification will not serve any purpose, hence, the notification itself is liable to be set aside.

In view of the same, the Writ Petition is allowed and the impugned notification is set aside. However, if the Government chooses to acquire the land in question, it is always open for them to issue a fresh notification and proceed in accordance with law. No costs.

19-11-2004

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Copy to:

1. The District Collector, Chittoor,
   Chittoor district.
2. The Revenue Divisional Officer/

the Land Acquisition Officer,
   Madanapalli, Chittoor district.

3. Two CCs to the G.P. for Social Welfare,

High Court Buildings, High Court of A.P.,

Hyderabad.(O.U.T.)

4. Two CD copies.